

U.S. DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

WILIAM FARRELL,

Plaintiff,

v.

NAUTILUS INSURANCE GROUP,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

CIVIL ACTION NO.:

NOTICE OF REMOVAL

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Pursuant to the provisions of 28 U.S.C. § 1332(a)(1), 1441(a) and 1446(b), Defendant, Nautilus Insurance Group ("Nautilus"), hereby gives notice of its removal of this action to the United States District Court for the District of Massachusetts from the Superior Court of Massachusetts, in and for Norfolk County, and in support thereof would respectfully show as follows:

1. Nautilus is a defendant in a civil action brought in the Superior Court of the State of Massachusetts, in and for Norfolk County, styled as *William Farrell v. Nautilus Insurance Group, Civil Action No. 2282-cv-0115* (the "*Farrell Action*").

2. Nautilus was served with a copy of the Summons and Complaint in the *Farrell Action* on or about February 23, 2022. A true copy of the Summons and Complaint in the *Farrell Action*, as served on Nautilus, is attached to this Notice of Removal as Exhibit "A." Nautilus's Notice of Removal is filed within thirty (30) days after the receipt

by Nautilus of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, as required by 28 U.S.C. § 1446(b).¹

3. The *Farrell Action* is a suit of a wholly civil nature brought in the Superior Court of the State of Massachusetts, in and for Norfolk County. The United States District Court for the District of Massachusetts is therefore the proper forum and venue to which this action may be removed under the provisions of 28 U.S.C. §§ 101 and 1441(a).

4. This Court has original jurisdiction to entertain this action because the only parties to this case are citizens of different states and because the plaintiff claims that he is likely exposure for potential indemnity and costs of defense exceeds the sum of \$75,000, exclusive of interest and costs. 28 U.S.C., §§ 1332(a)(1), 1441(a). Removal of this action is not prohibited by 28 U.S.C. § 1445.

5. With respect to diversity of citizenship, the plaintiff is located in the Commonwealth of Massachusetts, County of Norfolk.

6. Defendant Nautilus Insurance Co. is a corporation licensed to issue insurance in Massachusetts, with a principal place of business in Scottsdale, Arizona.

7. Pursuant to 28 U.S.C. § 1446(d), Nautilus has filed a notice of the filing of this Notice of Removal, attached herewith as Exhibit “B”, with the Clerk of the Superior Court of the Commonwealth of Massachusetts, in and for Norfolk County.

8. Pursuant to 28 U.S.C. § 1447(d), Nautilus has requested that the Clerk of the Superior Court of the Commonwealth of Massachusetts, in and for Norfolk County, provide certified or attested copies of all records and proceedings in the *Farrell Action*

¹In filing this Notice of Removal, the defendant does not waive any defenses with regard to service of process or the adequacy of process.

and certified or attested copies of all docket entries thereon. Nautilus will cause such attested or certified copies of the state court record to be filed with this Court within thirty (30) days hereof as required.

9. Counsel for Nautilus is duly admitted to practice before this Court and signs this Notice of Removal in accordance with the requirements of Fed. R. Civ. P. 11.

WHEREFORE, Nautilus Insurance Company, Inc. respectfully requests that the above-referenced action now pending in the Superior Court of the Commonwealth of Massachusetts, in and for Norfolk County, be removed from that Court to the United States District Court for the District of Massachusetts.

Respectfully Submitted,
NAUTILUS INSURANCE GROUP,

By its attorneys,
MORRISON MAHONEY LLP

/s/Michael F. Aylward

Michael F. Aylward, BBO #024850

250 Summer Street

Boston, MA 02210

Tel.: (617) 439-7556

Fax.: (617) 342-4913

maylward@morrisonmahoney.com

CERTIFICATE OF SERVICE

I, Michael F. Aylward, hereby certify that on March 17, 2022, I electronically filed the above-referenced document with the Clerk of the United States District Court for the District of Massachusetts by using the CM/ECF system. I certify that a true and accurate copy of the foregoing document was served via first class mail, postage prepaid, upon the attorney of record for each party.

/s/ Michael F. Aylward

Michael F. Aylward